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09/775,112	02/01/2001	Michael N. Gurevich	10002R0	8790
7590	09/22/2004		EXAMINER	
Michael N. Gurevich 1422 Whitecliff Way Walnut Creek, CA 94596			ROMANO, JOHN J	
			ART UNIT	PAPER NUMBER
			2122	
DATE MAILED: 09/22/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/775,112	GUREVICH ET AL.
Examiner	Art Unit	
John J Romano	2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 01 February 2001.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-17 is/are rejected.

7) Claim(s) 9 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 02/01/01 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

DETAILED ACTION

Claims 1-17 are presented for examination.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Figure 1, "101". Figure 3, "293".
2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: Page 8, line 29, "398". It appears that "398" might have been written in lieu of "293". Page 14, line 6, the applicant states "for 10". It appears that the applicant might have meant "410". Page 14, line 17, "473". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited.

4. The disclosure is objected to because of the following informalities: Page 14, line 4, "*a detailed a view*" is unclear. For the sake of examination the examiner presumes that the second "a" was unintentional. Page 14, line 10 "*He*" is presumed to also be unintentional.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

As per claims 14 and 15, merely claimed as "...constructing an executable file having program code for an object of said first class and an object of said second class:" (1) are not in the technological arts (manually/paper format implemented with the aid of the human mind); (2) the claims themselves cannot exhibit any functional interrelationship with the way (configured therein) in which computing processes are performed, thus they are non-functional descriptive materials and do not constitute a statutory process, machine, manufacture or composition of matter; and (3) the claims themselves are not drawn to any and every product of manufacture, e.g. computer,

computer readable memory/medium product tangibly embodying instructions therein (to carry out/provide means), or impart functionality when encoded on a computer-readable medium for a “*...data processing system having a component subsystem...*” or *computer-implemented method for constructing a portable component for use in a data processing system...*”. Lacking of such steps or acts, the claim, rather, is just solely a manipulation of an abstract idea which constitutes **descriptive material per se** (first class definition for a pure object) and are not statutory because they are neither physical “things” nor a statutory process. Even within a computer, the computer program itself is not a process without the computer-readable medium needed to realize the computer program’s functionality, with no limitations to a practical application and/or result claimed, and do not manipulate appropriate subject matter, underlying subject matter as a whole such as for employing programming objects portable among varying component subsystem types, and comprising a digital signal pattern encoding a portable component, would thus be considered non-statutory functional descriptive material, Non-Statutory Subject Matter (Process) Claim. **Warmerdam**, 33 F.3d at 1361, 31 USPQ2d at 1760. **In re Sarkar**, 588 F.2d 1330, 1333, 200 USPQ 132, 137 (CCPA 1978).

Claim Rejections - 35 USC § 102

6. *The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:*

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, 8, 9, 10 and 11 are rejected under 35 U.S.C. 102(e) as being anticipated by *Notani et al* '6,222,533' (herinafter **Notani**).

In regard to claim 1, **Notani** discloses a portable object-oriented component system (E.g., see FIG. 1) which comprises:

"supplying a technology adapter" (E.g., see FIG. 2A, 2B, and FIG. 3, 92 & col. 6, lines 27-42), wherein the engine is the technology adaptor;

"having a first interface for coupling with a component subsystem" (E.g., see FIG. 4, elements 112 and 116 & col. 7, lines 53-55), wherein the engine Interface interfaces with the VIB having components comprises the first interface. It is inherent that the technology adaptor (E.g., see FIG. 4, elements 110,112, 114, and 116) is coupled (E.g., see FIG. 4, elements 120 and 122) with the component subsystem (E.g., see FIG. 4, 118) through the implementation of an interface (E.g., see FIG. 4, 112 and 116);

"...a second interface for coupling with a portable component" (E.g., see FIG. 6, elements 154, 156, and 158 & col.9, lines 16-27), wherein the BOS is the portable component and the BOS client is the engine or technology adaptor;

"coupling said second interface of said technology adapter and said interface of said portable component" (E.g. see FIG. 6). **Notani** discloses that the

technology adaptor (E.g., see FIG. 4, 158) is coupled with the portable component (E.g., see FIG. 4, 154) via an interface of said portable component (E.g., see FIG. 4, 156).

In regard to claim 8, **Notani** discloses a portable object-oriented component system (FIG. 6), which comprises the method of claim 1 as described above. Additionally, **Notani** discloses “*...and program instructions associated with coupling said second interface.*” (E.g., see col. 5, lines 57-62) **Notani** teaches an interface that may be accomplished by writing a local JAVA interface. It is inherent that program instructions are used when the JAVA language is used. Thus, program instructions are associated with coupling said interface. Coupled is interpreted as being linked via the interface.

In regard to claim 9, **Notani** discloses the method of claim 8 as described above. Additionally, **Notani** discloses “*...after execution of a computer program employing said technology adapter has begun.*” (E.g., see col. 5, lines 23-27) **Notani** teaches the use of CORBA and DCOM for use in the core architecture. It is inherent that a program employing said technology adapter via CORBA would be responding to an object request from a computer program. Thus, the second interface is coupled with the portable component after execution of a computer program has begun.

In regard to claim 10, **Notani** discloses the methods of claim 8 as met above. Additionally, **Notani** discloses:

“*a digital signal pattern encoding a technology adapter...*” (E.g., see col. 5, lines 50-54) **Notani** teaches that a JAVA interface can be provided to the engine. It is well known in the art that JAVA code is compiled into byte-code. Inherently, a byte is a

pattern of digital data. It is also inherent that a digital data stream is sent by an interface in order to communicate. Encoding is interpreted as putting code into digital data and transporting said digital data. Therefore, a digital signal pattern is taught by **Notani**.

Claim 11 is met by that discussed above for claims 9 and 10.

Claim Rejections - 35 USC § 103

8. *The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:*

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2 – 7, 12-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Notani** in view of **Skinner et al '6,085,198**' (herinafter **Skinner**).

10. In regard to claim 2, **Notani** discloses the method of claim 1 as explained above.

Notani does not disclose expressly "said portable component comprises a pure program block and a describer program block".

Skinner discloses a portable component comprising "a pure program block" (E.g., see col. 5, lines 60 – col. 6, lines 5), and "a describer program block" (E.g., see col. 6, lines 55-62). Java components are a block of programming that are platform independent, thus interpreted as a "pure program block". The class is the block of

programming which describes the components, thus interpreted as a “*describer program block*”.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of pure programming blocks as **Notani's** pure programming block and also to implement Skinner's describer programming blocks as **Notani's** describer programming block.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component through the implementation of a pure programming block and describer block to obtain the invention as specified in claim 2.

11. In regard to claim 3, **Notani** does not disclose expressly “*The method of claim 2 wherein said describer program block comprises a program object for representing said pure program block.*”

Skinner discloses a portable component where “said describer program block comprises a program object for representing said pure program

block." (E.g., see FIG. 5A, block 500 & col. 16, line 19 & lines 14-21). A "*MetaSchema*" is an object which represents said pure program block.

Notani and **Skinner** are analogous art because they are from the "same field of endeavor" of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a program object in the describer programming block for representing said pure program block as **Notani's** describer programming block method.

The motivation for doing so would have been to achieve **Skinner's** objective of "*a more efficient development process*". Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component through the implementation of an object representing a pure programming block in the describer block to obtain the invention as specified in claim 3.

12. In regard to claim 4, **Notani** does not disclose expressly "*The method of claim 3 wherein said describer programming block further comprises a program object for representing a member of said pure program block.*"

Skinner discloses a portable component where “*said describer program block further comprises a program object for representing a member of said pure program block.*” (E.g., see col. 23, line 27). The member function “*getName()*” is a program object for representing a member.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a program object in the describer program block for representing a member of said pure program block as **Notani's** describer programming block method.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component through the implementation of an object representing a pure programming block in the describer block to obtain the invention as specified in claim 4.

13. In regard to claims 5, **Notani** does not disclose expressly “*a program object for representing each attribute member of said pure program block.*”

Skinner discloses a portable component where “*a program object for representing each attribute member of said pure program block.*” (E.g., see FIG. 6b, step 610 & col. 24, lines 45-65). The block of code lists each attribute to be assigned.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a program object in the describer program block for representing each attribute member of said pure program block as **Notani's** describer programming block method.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component comprising the implementation of an object representing each attribute member of a pure programming block in the describer block to obtain the invention as specified in claim 5.

14. In regard to claim 6, **Notani** does not disclose expressly “...each method member of said pure programming block.”

Skinner discloses a portable component where “*....each method member of said pure programming block*” are represented by an object. (E.g., see FIG. 6, step 613 & col. 25, lines 30-38).

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a program object in the describer program block for representing each method member of said pure program block as **Notani**'s describer programming block method.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component through the implementation of an object representing each method member of a pure programming block in the describer block to obtain the invention as specified in claim 6.

15. In regard to claim 7, **Notani** does not disclose expressly “each member of said pure programming block.”

Skinner discloses a portable component where “each member of said

pure program block" are represented by an object. (E.g., see FIG. 4 & col. 16, lines 14-18).

Notani and **Skinner** are analogous art because they are from the "same field of endeavor" of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a program object in the describer program block for representing each member of said pure program block as **Notani's** describer programming block method.

The motivation for doing so would have been to achieve **Skinner's** objective of "*a more efficient development process*". Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a portable component through the implementation of an object representing each member of a pure programming block in the describer block to obtain the invention as specified in claim 7.

16. In regard to claim 12, **Notani** does not disclose expressly "...a CPU; A memory coupled to said CPU comprising stored computer instruction code of a component subsystem and a technology adapter..."

Skinner discloses a three tier architecture comprising "...a CPU; (E.g., see FIG. 1 &

col. 4, lines 56-60) Where it is well known to someone of ordinary skill in the art that the processors referenced by **Skinner** are used as central processor units in computer systems. Additionally, **Skinner** discloses “*a memory coupled to said CPU comprising stored computer instruction code of a component subsystem and a technology adapter...*” (E.g., see FIG. 1 & col. 4, lines 42-55) It is inherent that a JAVA language interface is computer instruction code and also that a technology adapter program is computer construction code.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a memory coupled to a CPU as a system to embody **Notani's** core system.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing portable components readily portable for use with varying component subsystems to obtain the invention as specified in claim 12.

17. In regard to claim 13, **Notani** does not disclose expressly “*...wherein said memory comprises persistent data storage*”.

Skinner discloses a three tier architecture comprising “....*wherein said memory comprises persistent data storage*”. (E.g., see col. 1 lines 24-28) Where it is inherent that persistent data is stored in memory.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a persistent memory coupled to a CPU as a system to embody **Notani's** core system.

The motivation for doing so would have been to **Skinner's** disclosure of communication with a database management system for the storage and retrieval of persistent data. (E.g., see col. 3, lines 48-51)

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing persistent memory for use with varying data to obtain the inventions specified in claim 13.

18. In regard to claim 14, **Notani** does not disclose expressly:

“...*creating a first class definition for a pure object*”;

“...*creating a second class definition for a describer object associated with said pure object*”;

“...constructing an executable file having program code for an object of said first class and an object of said second class.”

Skinner discloses a three tier architecture comprising:

“...creating a first class definition for a pure object”; (E.g., see col. 4, lines 14–22) Class definitions are generated for the components within the framework.

“...creating a second class definition for a describer object associated with said pure object”; (E.g., see col. 16, lines 13–21) Definitions are created for each data object class. The interface class represents a describer object associated with said pure object.

“constructing an executable file having program code for an object of said first class and an object of said second class.” (E.g., see FIG. 4, step 403, & col. 16, lines 56–61) An instance of an object is created during execution.

Notani and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a creating class definitions in **Notani's** core system.

The motivation for doing so would have been to achieve **Skinner's** objective of “*a more efficient development process*”. Furthermore, a common data

model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing portable components readily portable for use with varying component subsystems to obtain the invention as specified in claim 14.

19. In regard to claim 15, the limitations are met as discussed above in claim 14 and 10. **Notani** discloses the limitations as discussed in claim 10 above. **Notani** does not disclose expressly the limitations of claim 14 as stated above. **Skinner** discloses the limitations of claim 14 as stated above.

Notani and **Skinner** are analogous art because they are from the "same field of endeavor" of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a creating class definitions in **Notani's** core system.

The motivation for doing so would have been to achieve **Skinner's** objective of "*a more efficient development process*". Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing portable components readily portable for use with varying component subsystems to obtain the invention as specified in claim 15.

20. In regard to claim 16, **Notani** discloses the limitations of claim 16 found in claim 12 above. **Notani** does not disclose expressly "...*comprising a portable component having been constructed by the method of claim 14*".

Skinner discloses "...*comprising a portable component having been constructed by the method of claim 14*". (E.g., see col. 16, lines 32-37)

Notani and **Skinner** are analogous art because they are from the "same field of endeavor" of object-oriented component structure in a distributed network system. At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a creating class definitions in **Notani's** core system.

The motivation for doing so would have been to achieve **Skinner's** objective of "*a more efficient development process*". Furthermore, a common data model architecture that is technology independent and more portable would increase efficiency, profit, and increase productivity.

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing portable components readily portable for use with varying component subsystems to obtain the invention as specified in claim 16.

21. In regard to claim 17, **Notani** and **Skinner** disclose the limitations of claim 16 above. Furthermore **Skinner** discloses the limitation of "...said memory comprises

“persistent data storage.” (E.g., see col. 1 lines 24-28) Where it is inherent that persistent data is stored in memory. **Notani** and **Skinner** are analogous art because they are from the “same field of endeavor” of object-oriented component structure in a distributed network system.

At the time of the invention it would have been obvious to a person of ordinary skill in the art to implement **Skinner's** disclosure of a persistent memory coupled to a CPU as a system to embody **Notani's** core system.

The motivation for doing so would have been to **Skinner's** disclosure of communication with a database management system for the storage and retrieval of persistent data. (E.g., see col. 3, lines 48-51)

Therefore it would have been obvious to combine **Skinner** with **Notani** for the benefit of a computer system for utilizing persistent memory for use with varying data to obtain the inventions specified in claim 17.

Conclusion

22. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Hammond et al, Lavian et al, Schoening et al, Glanzer et al, Bowman-Amuah, Lorenz, Teegan, and Goodwin.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John J Romano whose telephone number is (703) 305-0358. The examiner can normally be reached on 8-5:30, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Q Dam can be reached on (703) 305-4552. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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